



DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY MEDICAL DEPARTMENT ACTIVITY
9501 FARRELL ROAD, P.O. BOX 1067
FORT BELVOIR, VIRGINIA 22060-9501

REPLY TO
ATTENTION OF:

13 November 2008

SENT BY FACSIMILE AND US MAIL

Hon. Magistrate Gustave J. DiBianco
U.S. Courthouse
100 South Clinton Street
P.O. Box 7396
Syracuse, N.Y. 13261-7396

RE: Case # 7:07-CV-996 (TMJ/GJD)

Hon. Magistrate Gustave J. DiBianco:

I have submitted the enclosed amendment request to the court by certified mail on October 22, 2008, for filing with the certified return receipt indicating that the document was received on October 24, 2008, at 10:09 A.M. However, a follow up telephone communication with the Clerk of the Court on Monday, November 10, 2008, revealed that the request for amendment has not been filed with the court.

I must also point out that although the defendants' counsel has included my name on the cc: list presented to the court, to date no communication has been actually sent to either of my mailing addresses by the defendants' counsel. Kindly receive the enclosed request and mail delivery verification for proper filing with the court.

A copy of the request for amendment was sent to the defendants' counsel on October 22, 2008.

Respectfully,



MAJ C. Earl Grant, M.D., Ph.D.
US Army Medical Department
DHCN-Fort Belvoir, VA
Phone: (703) 805-0665
Mobile: 561-537-0229



HEADQUARTERS, US ARMY MEDICAL DEPARTMENT ACTIVITY
9501 FARRELL ROAD, SUITE E-14
FORT BELVOIR, VIRGINIA 22060-9501

22 October 2008

The Clerk of the Court
US Dist. Court Northern Dist of New York
U.S. Courthouse
100 South Clinton Street
P.O. Box 7396
Syracuse, N.Y. 13261-7396

RE: Case # 7:07-CV-996 (TMJ/GJD)

Please accept this Motion for filing in the above captioned-matter.

Respectfully,

C. Earl Grant, M.D.

C. Earl Grant, M.D., Ph.D.
Plaintiff, *Pro Se*
9501 Farrell Road
P.O. Box 1067
Fort Belvoir, VA 22060

COPY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

C. EARL GRANT

Plaintiff,

vs.

7:07-CV-996
(TJM/GJD)

NATIONAL BOARD OF MEDICAL EXAMINERS and
FEDERATION OF STATES MEDICAL BOARD

Defendants.

C. Earl Grant, Plaintiff *Pro Se*
Thomas S. D'Antonio, Esq. for Defendants
Hildreth J. Martinez, Esq. for Defendants

MOTION TO AMEND COMPLAINT AND REQUEST DISCOVERY

1. Plaintiff respectfully petitions this Court to grant him permission to amend his Complaint, under Federal Rule of Civil Procedure (FRCP) 15(a)(2), to: a) name additional defendants; b) plead additional facts in support of additional causes of action; and c) request additional relief, including compensatory and punitive damages.
2. The Plaintiff requests leave to amend his complaint since his former counsel, Stefan D. Berg, did not adequately represent his interests in this matter in preparing the pleadings filed herein.
3. On or about 3 June 2007, the Plaintiff retained the services of Mr. Stefan Berg, an attorney licensed in the State of New York to assist him with this matter. Despite the Plaintiff providing Mr. Berg a detailed chronology of facts underlying this matter, Mr. Berg did not prepare a Complaint that fully informed the Court and the Defendants of the

Plaintiff's allegations. Moreover, the Complaint filed by Mr. Berg did not specify all of the Plaintiff's causes of action. Nor did the Complaint adequately express the remedies sought by the Plaintiff.

4. In approximately June 2008, the Plaintiff believes that Mr. Berg was suspended from the practice of law, and since then, the Plaintiff has been unable to retain substitute counsel. Prior to Mr. Berg's suspension, the Plaintiff detailed the factual background of his cause to his attorney, explaining the wrongful actions of the various Defendants, and the relief the Plaintiff requested. In spite of these discussions, the Plaintiff's former counsel did not fully incorporate the facts into the Complaint filed herein, nor did the Plaintiff's former counsel request declaratory relief, injunctive relief, compensatory damages, punitive damages, or treble damages as authorized under statute. Because of these omissions, the Plaintiff's rights have been unjustly abridged.

5. In addition, the Plaintiff believes that his former counsel did not serve the Defendants with any requests for discovery, and that the time for such action has now expired under the Federal Rules for Civil Procedure. The denial of this fundamental right has likewise severely prejudiced the Plaintiff in this matter.

6. Given the problems presented to the Plaintiff following the suspension of his counsel, the Plaintiff believes that this Court should allow him to amend his Complaint under FRCP 15(a)(2) which provides in relevant part that courts should freely grant leave for parties to amend pleadings when justice so requires.

WHEREFORE, the Plaintiff asks that this Court permit him to amend his Complaint to allege additional facts and causes of action, and after the Amended Complaint has been filed, to serve the Defendants with discovery under the Federal Rules

of Civil Procedure, and the Rules of this Court. The Plaintiff also asks for such other and further relief as the Court may determine to be just and equitable.

Respectfully Submitted,

Dated: October 22, 2008

BY: 
C. Earl Grant, M.D., Ph.D.
Plaintiff, *Pro Se*
9501 Farrell Road
P.O. Box 1067
Fort Belvoir, VA 22060
(561) 537-0229

CERTIFICATE OF SERVICE

I, C. Earl Grant, the Plaintiff in this case, do hereby certify that on this _____ day of October, 2008, I mailed a true copy of the foregoing by postage prepaid first class mail, to all counsel of record.

Dated: October 22, 2008

BY: 
C. Earl Grant, M.D., Ph.D.
Plaintiff, *Pro Se*
9501 Farrell Road
P.O. Box 1067
Fort Belvoir, VA 22060
(561) 537-0229

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

C. EARL GRANT

Plaintiff,

vs.

7:07-CV-996
(TJM/GJD)

NATIONAL BOARD OF MEDICAL EXAMINERS and
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Defendants.

C. Earl Grant, Plaintiff *Pro Se*
Thomas S. D'Antonio, Esq. for Defendants
Hildreth J. Martinez, Esq. for Defendants

ORDER

This Court, having considered the Plaintiff's Motion to Amend Complaint and File Discovery, and having considered any responses thereto filed by the Defendants herein, hereby **ORDERS** that the Plaintiff shall be permitted to Amend his Complaint within _____ days of this Order, and **ORDERS** that the Plaintiff thereafter shall be permitted to request discovery from the Defendants, as though the Plaintiff had first filed a complaint with this Court on the date this Order is signed.

Date:

U.S. Magistrate Judge



Date: 11/10/2008

C Earl Grant:

The following is in response to your 11/10/2008 request for delivery information on your Certified Mail(TM) item number 7006 3450 0001 8618 0386. The delivery record shows that this item was delivered on 10/24/2008 at 10:09 AM in SYRACUSE, NY 13261 to M STEVES. The scanned image of the recipient information is provided below.

Signature of Recipient:

A handwritten signature in black ink that reads 'M. STEVES'. The signature is fluid and cursive, with 'M.' on top and 'STEVES' below it.

Address of Recipient:

A handwritten address in black ink that reads 'M. STEVES' on the first line and 'SYRACUSE, NY 13261' on the second line. There is also some smaller, illegible handwriting above the main address.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

C. Earl Grant
9501 Farrell Road
P.O. Box 1067
Fort Belvoir, VA 22060

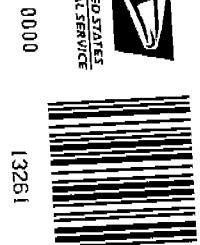
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UNITED STATES
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